

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CBS INTERACTIVE INC., THE NEW YORK TIMES COMPANY,  
G4 MEDIA, LLC, and BRAVO MEDIA, LLC  
Petitioner,

v.

HELFERICH PATENT LICENSING, LLC and  
WIRELESS SCIENCE, LLC,  
Exclusive Licensee and Patent Owner

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Case IPR2013-00033  
Patent 7,155,241

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Before JAMESON LEE, KEVIN F. TURNER, and JONI Y. CHANG,  
*Administrative Patent Judges*

**PATENT OWNER'S NOTICE OF APPEAL**

Case No. IPR2013-00033

Patent No. 7,155,241

Pursuant to 35 U.S.C. §§ 141(c) and 142 and in accordance with 37 C.F.R. § 90.3(a), patent owner Helferich Patent Licensing, LLC (Helferich) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (Board) entered on March 3, 2014 (Paper 122), and from all underlying orders, decisions, rulings and opinions, including the Decision to Initiate Trial for *Inter Partes* Review entered on March 25, 2013 (Paper 21).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Helferich indicates that the issues on appeal include, but are not limited to:

- Whether the Board's actions in this proceeding violated due process and the Administrative Procedure Act by, among other things:
  - establishing an improper burden on patentees for amending claims in *inter partes* reviews;
  - expunging and limiting the record to hinder appeal of issues;
  - refusing to enter supplemental evidence and consider deposition testimony corroborating conception of the claimed inventions;
  - failing to separately consider each of the proposed amended claims; and
  - applying a new claim construction (not proposed by either party and to which Helferich had no opportunity to respond) in its Final Written Decision;

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- Rulings on the construction of claim terms in the '241 patent;
- Determination of the conception and reasonable diligence in constructive reduction to practice of the invention claimed in the '241 patent;
- Failure adequately to consider Helferich's expert's testimony and undisputed statement of facts;
- Failure to properly apply issue preclusion to bar arguments inconsistent with prior final and un-appealed decisions of the Patent Office;
- Determination of unpatentability under 35 U.S.C. § 103 of the claims at issue of the '241 patent;
- Denial of Helferich's motion to amend the claims of the '241 patent;
- And any and all findings or determinations supporting or related to those issues, and all other issues decided adversely to Helferich in any orders, decisions, rulings, and opinions during the *inter partes* review.

Simultaneous with this filing and in accordance with 37 C.F.R. § 90.2(a)(1), this Notice of Appeal is (1) filed with the Director of the United States Patent and Trademark Office; (2) filed with the Board; and (3) served upon the Petitioner in accordance with 37 C.F.R. § 42.6(e).

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Patent No. 7,155,241

Dated: April 30, 2014

Respectfully submitted,

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**CERTIFICATE OF FILING**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS System, the original version of the foregoing Patent Owner's Notice of Appeal was filed via Express Mail on this 30<sup>th</sup> day of April, 2014, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**CERTIFICATE OF FILING**

I hereby certify that a true and correct copy of the foregoing Patent Owner's Notice of Appeal was filed with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit, via the CM/ECF system, on this 30<sup>th</sup> day of April, 2014.

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6, I hereby certify that the foregoing Patent Owner's Notice of Appeal was served via email by agreement of the parties to:

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Gregory S. Discher  
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Washington, DC 20004

Dated: April 30, 2013

Respectfully submitted,  
By           /Jon E. Kappes/